Office of the Attorney General
Washington, D. C.

7 OCT 1980

Honorable Louis Stokes
House of Representatives
Washington, D. C. 20515

Dear Congressman Stokes:

Your recent letter to the Attorney General regarding the House of Representatives Select Committee on Assassinations (HSCA) was referred to my office for reply. You expressed your concern that the Department of Justice has failed to promptly respond to the HSCA recommendations.

Regrettably, I must first object to your August 26, 1980 allegation that the HSCA "recommendations were made to the Department more than 18 months ago." In a March 24, 1979 letter to me, HSCA Chief Counsel and Staff Director G. Robert Blakey did promise to supply copies of the HSCA acoustics reports "within the next ten days to two weeks." Numerous subsequent telephonic requests to Mr. Blakey between March and September 1979 elicited additional promises that those acoustical reports and draft copies of the HSCA final report would be supplied to my office. On September 7, 1979, almost two months after the July 13, 1979 release of a copy of the HSCA final report to Bantum Books, Mr. Blakey informed us that the Department should purchase the 27 volume HSCA report from the Government Printing Office since neither he nor the HSCA staff had a copy of the set to refer to the Department of Justice. We promptly ordered those reports. To this date, there has been no official referral of the HSCA final report, recommendations, or scientific reports to the Department of Justice.

Between September and November 1979, Departmental attorneys reviewed the HSCA final report - initially the Bantum Books edition since it was available first - and all relevant FBI investigative reports. The Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), and National Security Agency (NSA) were asked to assist in a review of acoustics reports relevant to the Kennedy assassination. The CIA and NSA informed the Department that they did not possess the specialized equipment or expert personnel to assist in such a review. In late October 1979, the copy of the entire HSCA report was received from the Government Printing Office. Volume VIII, which contains

Records ✓
Gen. Litigation
Fogel (2)
Cubbage (1)
AAG, Civil Rights
AAG, Criminal
Civiletti
Keuch
Congressmen Preyer, Fauntroy, Burke, Dodd, Ford, Fithian, Edgar, Devine, McKinney, Thone, Sawyer (Committee Members)
OLA
Blakey

[redacted] [redacted]

Referral to CIA, NSA

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the acoustics studies, was forwarded to the FBI Laboratory for review on November 8, 1979. The thirteen volumes dealing with the Martin Luther King assassination were forwarded to the Civil Rights Division and the twelve volumes relevant to the John F. Kennedy assassination were forwarded to the Criminal Division for review immediately upon receipt of those reports.

In response to a May 18, 1979, refusal by the National Science Foundation to perform the type of acoustics analysis for the Kennedy assassination investigation which we expected the HSCA to request, the National Institute of Law Enforcement and Criminal Justice of the Department of Justice contracted with the National Bureau of Standards, Law Enforcement Standards Laboratory of the Department of Commerce for a review of the acoustics reports. On December 7, 1979, the Law Enforcement Standards Laboratory concluded its review and reported that a scientific study of the acoustics evidence would be very expensive to conduct and would be unlikely to yield information of significant value to the field of forensic science. Three days later, the FBI initiated its review of the acoustics volume of the HSCA report, at the request of my office. The results of that review are expected in mid-October 1980. The FBI Laboratory has reported that it has substantially improved its level of expertise in acoustical science as a result of its work on the November 3, 1979 Greensboro, North Carolina shooting incident.

A series of conversations and meetings between my office and the National Science Foundation resulted in an agreement which was formalized in a January 3, 1980 request to the National Science Foundation (NSF) for a National Academy of Sciences (NAS) study of the HSCA-financed acoustics report. The National Science Foundation formally accepted the concept of a NAS study on January 22, 1980. Another series of meetings and conversations resulted in a May 14, 1980 NSF formal request to the NAS for a final study plan and bid. The Board of the NAS approved the request in May and authored a final study proposal and bid (for $23,360) on August 14, 1980. The Department of Justice immediately accepted the proposal informally; formal financing authorization is currently being processed. Pursuant to the Department's request, the NAS review will be supervised and directed by the NSF. Although Department resources have been offered to the NSF and NAS, the Department will not direct the study. The Department's agreement with the NSF requires that study results be released directly to the Speaker of the House by the NAS.

In November 1979 the FBI was asked to conduct a series of specific Kennedy assassination-related investigative tasks by my office. These requests were based upon information from the public, HSCA-generated information, and previous FBI investigations. The attorneys of my staff were instructed to request an investigation into any aspect of the case which had an arguable potential of

advancing the assassination investigation. The FBI has completed all investigative tasks requested and no new information of value has been developed. Only the analysis of the acoustics reports and the review of the Daniel and Bronson films, if they can be obtained, have yet to be completed by the FBI.

The Department is continuing its negotiations with attorneys representing the owners of the Daniel and Bronson films for the review of that scientific evidence. You will recall that the HSCA agreed to certain prohibitions against the release of these films, at the request of the film owners' attorneys. The privacy components of that agreement cannot be adopted by the Department due to the applicability of the Freedom of Information Act and the Privacy Act to the operations of the Executive Branch and are consequently being renegotiated.

The Department has also pursued several other avenues of involvement in the assassination investigations beyond those discussed above. All unsolicited correspondence is promptly reviewed by attorneys in my office. There has been frequent correspondence and a February 29, 1980 meeting with former HSCA Chief Counsel and Staff Director G. Robert Blakey, who has been consistently afforded the opportunity to discuss any information or concerns related to the assassinations with me directly. Mr. Blakey has been frequently asked by me and by my staff to supply the Department with all information relevant to a complete investigation of these matters. One private citizen was also granted an opportunity to meet with my staff and with FBI representatives because of the possibility that he possessed information potentially valuable to the investigation.

Your letter also requested a timetable which could be used to measure the progress, review, and decision making procedures which are still pending. The reviews of the final report requested of the Civil Rights and Criminal Divisions have been completed and the results will be included in my final report to the Attorney General. I do not intend to make any recommendations to the Attorney General until the entire review is completed. As discussed above, the FBI review of the acoustical analysis techniques used by HSCA experts is expected in mid-October. Pursuant to an NAS request, that report will be immediately made available to the NSF and NAS. The NAS study report is due in January 1981, according to the August 12, 1980 study proposal. The Department intends to minimize its contact with the NAS and will not risk exerting pressure on the NAS which could be misinterpreted as an endeavor to prematurely terminate or influence the NAS Committee's work. Accordingly, the Department is not prepared to accept responsibility for the timeliness of this independent organization's performance, though we have requested that the NSF supervise NAS compliance with the terms of its proposal. We are

unable to provide an estimated date of initiation for the review of the photographic evidence in the Kennedy assassination since the private owners of the film must voluntarily loan the films to the Department.

The final review of the results of the Department's activity in the John F. Kennedy matter should be expected within two months of the completion of the NAS report to Congress. We have arranged for the Department to receive a copy of that report directly from the NAS to facilitate an immediate review. It would be inadvisable to attempt to formulate any final conclusions or proposals in the John F. Kennedy matter prior to the release of the NAS report, since the only indication of a conspiracy is the HSCA expert opinion regarding the acoustical evidence. That evidence is, of course, the object of the NAS review.

Sincerely,

ROBERT L. KEUCH
Special Counsel to
the Attorney General

cc: All former Committee Members
The Attorney General
G. Robert Blakey